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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,201

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Noboru Segawa

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FOLEY AND LARDNER LLP

SUITE 500

3000 K STREET NW

WASHINGTON, DC 20007

EXAMINER

MCCRACKEN, DANIEL

ART UNIT

PAPER NUMBER

1754

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/796,201

**Applicant(s)**

SEGAWA ET AL.

**Examiner**

Daniel C. McCracken

**Art Unit**

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 4-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Citation to the Specification will be in the following format (S. #, L) where # denotes the page number and L denotes the line number. Citation to patent literature will be in the form (Inventor #, LL) where # is the column number and LL is the line number. Citation to the pre-grant publication literature will be in the following format (Inventor #, ¶) where # denotes the page number and ¶ denotes the paragraph number.

### *Election/Restrictions*

Applicant's election without traverse of Group I, Claims 1-3 in the reply filed on 5/23/2007 is acknowledged.

### *Information Disclosure Statement*

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### *Specification*

The disclosure is objected to because of the following informalities: Several presumably typographical errors were found. For example, at (S. 2: 21) applicants have stated "10<sup>-7</sup> sec [*sic*] order." It would appear as if either a period should be inserted or the complete word ("second")

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should have been spelled out. Further, at (S. 2: 24) Applicants state “adsorbing filter [*sic*].” Presumably Applicants meant “filter.” This list is by no means exhaustive. Applicants are requested to make a careful and thorough review of the specification to correct any and all typographical errors.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,676,913 to Cirillo, et al. The entire reference teaches each and every limitation of the rejected claims. The pinpoint citations provided are in no way to be construed as limitations of the teachings of the reference, but rather illustrative of particular instances where the teachings may be found.

With respect to Claim 1, Cirillo discloses the generation of ozone. (Cirillo 3: 48-57). Ozone “decomposing” necessarily occurs when it is passed through the catalytic bed disclosed by Cirillo. *See* (Cirillo 4: 11 *et seq*) (noting that the same catalysts disclosed at S. 7: 9-15). Carbon monoxide is oxidized in an oxidization section (Cirillo 3: 40-48). As to Claim 2, Cirillo discloses discharge type ozone generators. (Cirillo 3: 55-57). With respect to Claim 3, to the extent Claim 3 repeats limitations found in Claim 1, the rejection of Claim 1 is relied upon. As to the odor removal limitation, it is expected that the method disclosed by Cirillo would “deodorize” any odor components in the air, owing to the processes and catalysts employed.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,221,520 to Cornwell. The entire reference teaches each and every limitation of the rejected claims. The pinpoint citations provided are in no way to be construed as limitations of the teachings of the reference, but rather illustrative of particular instances where the teachings may be found.

With respect to Claim 1, Cornwell discloses ozone generation. (Cornwell 5:67 *et seq*). Ozone “decomposing” necessarily occurs when it is passed over the catalyst. The examiner makes note of the similar catalysts employed by Cornwell and Applicants. *Compare e.g.* (Cornwell 10: 10-25) (“Catalyst Chemical Composition”). Carbon monoxide is oxidized. *See e.g.* (Cornwell 6: 59-63). As to Claim 2, Cornwell discloses a discharge type ozone generator. *See e.g.* (Cornwell 8: 1-12). With respect to Claim 3, to the extent Claim 3 repeats limitations found in Claim 1, the rejection of Claim 1 is relied upon. As to the odor removal limitation, it is expected that the method disclosed by Cornwell would “deodorize” any odor components in the air, owing to the processes and catalysts employed. Further, Cornwell generally discloses the removal of gaseous pollutants known to be odorous. *See e.g.* (Cornwell 4: 4-18) (discussing all of the chemicals found in tobacco smoke).

### ***Conclusion***

The Examiner makes record of US 5,186,903 to Cornwell. The Cornwell ‘520 patent is a divisional of US 5,186,903. With disclosures that are presumably identical, a rejection over the ‘903 patent would be superfluous, and one was not made. All other prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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All amendments made in response to this Office Action must be accompanied by a pinpoint citation to the Specification (i.e. page and paragraph or line number) to indicate where Applicants are drawing support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel C. McCracken whose telephone number is (571) 272-6537. The examiner can normally be reached on Monday through Friday, 9 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel C. McCracken  
Assistant Examiner  
DCM

/Edward M. Johnson/

Edward M. Johnson  
Primary Examiner